

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
May 1, 2007
6:30 P.M.**

The City Council of the City of Gainesville, Texas met in regular session on May 1, 2007 at 6:30 p.m. with the following persons in attendance:

MEMBERS PRESENT: Mayor Glenn Loch
Council Members Charles Draper, Jim Goldsworthy, Carolyn Hendricks, Vince Rippey, Beverly Snuggs, Woody Williams

STAFF PRESENT: Mike Land, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; John Noblitt, Planning Technician; Roy Lewis, Building Official; Leda Furrh, Code Enforcement Officer

VISITORS PRESENT: Kathy Floyd, Andy Hogue, Rod Tyler, Shana Powell, Charlesetta Calhoun, Erroll Harrison, Laverne Harrison, Neva Banks, Steven Fleming, Ken Farmer, Debbie Sicking, Glenn Comer, Wray Westbrook, Ron Trevino

CALL TO ORDER

Mayor Loch called the meeting to order with a quorum of members present.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Mark Fuller, First Baptist Church, gave the invocation. Mayor Loch led the pledge to the flag.

PROCLAMATIONS

Mayor Loch read and presented a proclamation designating May 2007 as National Historic Preservation Month to Shana Powell, Curator of the Morton Museum.

The 100 Year Anniversary of the Antioch Baptist Church was honored with a proclamation, read and presented to Neva Banks, a member of the church.

CONSENT AGENDA

Council reviewed the Minutes of the April 17, 2007 Regular City Council Meeting and approved them as written.

With no further discussion, Councilmember Snuggs **moved for approval of the Consent Agenda**, and was seconded by Councilmember Draper. The motion was approved unanimously. Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, Williams.
Nays: None.

RESOLUTION NO. 05-01-2007 – AGREEMENT WITH GLENN COMER FOR SANITARIAN SERVICES

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH GLENN COMER FOR SANITARIAN SERVICES; SAID AGREEMENT FOR THE CONSIDERATION AND TERMS AND CONDITIONS STATED THEREIN IN A FORM ACCEPTABLE TO BOTH PARTIES.

An agreement for sanitarian services provided by Glenn Comer, Registered Sanitarian, was approved for an initial term of May 1 through the fiscal year ending September 30, 2007, and includes options to renew for three additional one-year terms. City Manager, Mike Land, said the contract amount is consistent with the approved budget.

Councilmember Draper **moved for approval**, and was seconded by Councilmember Williams. The motion was approved unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams.

Nays: None.

PUBLIC HEARING ON A SPECIFIC USE PERMIT FOR TAMMY GREGORY FOR A CHILDCARE FACILITY AT 403 WILLOW WAY

Mayor Loch announced the public hearing at 6:37 p.m. and called for comments for or against the permit. No one came forward to speak either for or against the permit.

With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, and was seconded by Councilmember Goldsworthy. The Public Hearing was closed at approximately 6:38 p.m. by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams

Nays: None.

DENYING ORDINANCE FOR SPECIFIC USE PERMIT FOR TAMMY GREGORY FOR A DAYCARE CENTER LOCATED AT 403 WILLOW WAY

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 25-2-71; 101A-8-76; 154-12-79; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, TO ISSUE A SPECIFIC USE PERMIT, AS REQUESTED BY TAMMY GREGORY FOR A CHILD CARE FACILITY IN A REGISTERED FAMILY HOME TO BE LOCATED AT 403 WILLOW WAY; MAKING FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR PUBLICATION; PROVIDING FOR TERM OF PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUSPENSION OF THE CITY CHARTER REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Planning and Zoning denied this permit at their meeting on March 27, having received letters of opposition to the permit from over twenty percent of property owners within the two hundred foot radius of the location. Councilmember Rippy reported he talked to Mrs. Gregory and she has moved her childcare business to a commercial location, and does not now need the permit at the location on Willow Way.

Councilmember Rippy **moved to suspend the Charter**, and was seconded by Councilmember Williams. The motion was approved unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams.
Nays: None.

Councilmember Rippy **moved to deny the ordinance**, and was seconded by Councilmember Williams. The motion carried unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams.
Nays: None.

ORDINANCE NO. 1174-05-2007 ADDING NOISE CONTROL TO THE CODE OF ORDINANCES

CONSIDERATION OF AND ACTION ON SECOND READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE; ADDING ARTICLE V. NOISE CONTROL; ESTABLISHING REGULATIONS AND DEFINITIONS; PROVIDING FINDINGS OF FACTS; PROVIDING PURPOSE AND INTENT; PROVIDING FOR INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; PROVIDING PENALTIES UP TO \$2000 FOR VIOLATION; PROVIDING FOR PUBLICATION; PROVIDING AN OPEN MEETING FINDING; AND PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING THE ORDINANCE ON THREE SEPARATE OCCASIONS.

First reading revisions to the ordinance clarified and changed the athletic events exemption to exempt school events and practices, and also added an exemption for bells and chimes, or simulated bells and chimes, used in clock towers or belfries. Land explained the complaint process. The ordinance adds decibel levels to current codes; addresses audio noise from vehicles and air braking of large trucks that travel IH-35 and Hwy 82; and includes a Disturbance of the Peace section that allows for enforcement of violations not otherwise enforceable using only the decibel levels. The Chief of Police will have primary responsibility for enforcement of the noise regulations.

Councilmember Williams **moved to suspend the Charter**, and was seconded by Councilmember Draper. The motion was approved unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams.
Nays: None.

Councilmember Williams **moved to adopt the ordinance on second reading**, and was seconded by Councilmember Rippy. The motion was approved unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams.
Nays: None.

SECOND READING ON ORDINANCE AMENDING THE 2006 SIGN CODE

CONSIDERATION OF AND ACTION ON SECOND READING OF AN ORDINANCE AMENDING THE 2006 GAINESVILLE SIGN CODE; PROVIDING REGULATIONS AND SPECIFICATIONS OF ALL SIGNS WITHIN THE CITY OF GAINESVILLE, IN ORDER TO PROMOTE AND SECURE THE SAFETY, HEALTH AND WELFARE OF ALL THE CITIZENS OF THE CITY OF GAINESVILLE; ACHIEVING A MORE DESIRABLE LIVING ENVIRONMENT; PROTECTING AND ENHANCING THE AESTHETICS OF THE CITY WITH BETTER SIGN USAGE; PROVIDING FOR REDUCTION OF NONCONFORMING SIGNS; MAKING FINDINGS OF FACT; PROVIDING FOR PUBLICATION; PROVIDING

PENALTIES UP TO \$5000 FOR VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING THE ORDINANCE ON THREE SEPARATE OCCASIONS.

Council approved second reading of an ordinance amending the 2006 Sign Code with changes that remove “vulgar language” from Section 5-169.K for signage permitted under special conditions, and reduce the five-year amortization of nonconforming billboards to three years. Mike Land reported that Judy Smith, Certified Public Accountant, confirmed the IRS allows 15 years amortization for recovery of owner expenses. Land stated that the most common amortization is five years, however, Council can designate the period for amortization. He said billboards along Grand Avenue and California Street were installed in 1992 and so have completed their recovery period. Other billboards have received a variance from Planning and Zoning and are thus considered to be conforming signs. City staff commented that billboard companies are aware of this proposed ordinance, however, Council advised staff to contact billboard companies before the next reading of the ordinance. Third reading consideration of the ordinance is scheduled for May 15.

Councilmember Goldsworthy **moved for approval of second reading of the ordinance with removal of vulgar language from Section 5-159 K and with three-year amortization for non-conforming billboards.** Seconded by Councilmember Snuggs, the motion was approved unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams.

Nays: None.

ORDINANCE NO. 1175-05-2007 – REVISIONS TO WATER RATES

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE AMENDING CHAPTER 19, ARTICLE II, SECTION 19-52, OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE; PROVIDING FOR REVISIONS TO WATER RATES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; MAKING AN OPEN MEETING FINDING PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING ON THREE SEPARATE DAYS.

Land presented the ordinance increasing water rates by 5% to offset the cost of installation of off-site utility lines for the GISD new high school. The increase is for water rates only. Land said the average resident using 5,000 gallons of water per month will be increased \$1.47 per month. Stating the cost for the project is not included in the City Comprehensive Plan for Water Utilities, Land said the rate increase comes a year early according to the comprehensive plan, however, the cost of the project must be offset to stay in compliance with the plan. Suspension of City Charter and adoption on first reading is recommended.

Rod Tyler requested to speak, and said he hates to see this rate increase put on city residents. Tyler stated the GISD bond package that voters approved should have included the cost to extend the water line. Mayor Loch responded that the City has met with GISD officials, this is the outcome of their discussions, and the increase is necessary to pay for the project. Councilman Rippy observed that the burden is on the taxpayer no matter which entity charges it. Council agreed that the City is acting responsibly.

Councilmember Draper **moved to suspend the Charter**, and was seconded by Councilmember Williams. The motion was approved unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams.

Nays: None.

Councilmember Snuggs **moved for adoption of the ordinance**, and was seconded by Councilmember Draper. The motion was approved unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams.

Nays: None.

RESOLUTION NO. 05-01-2007 A – TRIPLE “T” AMUSEMENTS AT SPRING FLING IN LEONARD PARK FOR SPRING FLING 2007

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING THE RECREATIONAL USE OF LEONARD PARK BY TRIPLE “T” AMUSEMENTS TO BE SPONSORED BY THE PARKS AND RECREATION DEPARTMENT FOR SPRING FLING, MAY 3-6, 2007.

Land presented the contract for Triple “T” to bring their amusement carnival to Spring Fling this coming weekend in Leonard Park. He added that Parks and Recreation Department receives a percentage of the proceeds. Councilmember Goldsworthy questioned the fares the company charges in Gainesville versus what they charged in Muenster. Councilmember Snuggs requested earlier consideration by the Council for this type of contract and that a company representative be present at the Council meeting to respond to any questions.

Councilmember Hendricks **moved for approval**, and was seconded by Councilmember Williams. The motion carried.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Williams.

Nays: Snuggs.

EXECUTIVE SESSION

The City Council did not convene into executive session.

CITY MANAGER’S COMMENTS

Mike Land announced this week is Rodeo Week, and the annual kick off hamburger cookout sponsored by American Bank is Wednesday evening.

Everyone is urged to attend Spring Fling at Leonard Park this Saturday.

MAYOR’S COMMENTS

Mayor Loch reported the Luncheon for City Board members was held last Thursday, and expressed his appreciation for the work of all board members on behalf of the City.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:08 p.m.

/S

Glenn Loch, Mayor

Attest:

/S/

Kay Lunnon, City Secretary